

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT

State of Washington
DEPARTMENT OF ECOLOGY
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, Washington 98008-5452

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE
BELLINGHAM HATCHERY
600 Capital Way North
Olympia, WA 98501-1091

Facility Location:

Whatcom Falls Park
700 Silver Beach Road
Bellingham, WA 98226

Receiving Water:

Outfall 001: Whatcom Creek
Outfall 002: Bellingham Post Point Pollution
Control Plant (WWTP)

Water Body Segment No.:

WA-01-3110
WA-01-0080

Discharge Location:

Outfall 001: Whatcom Creek
Latitude: 48° 45' 13" N
Longitude: 122° 25' 37" W

Industry Type:

Fish hatching and rearing
SIC 0921

Outfall 002: Bellingham WWTP
Latitude: 48° 43' 11" N
Longitude: 122° 32' 22" W

is authorized to discharge in accordance with the Special and General Conditions which follow.

Kevin C. Fitzpatrick
Water Quality Section Manager
Northwest Regional Office
Washington State Department of Ecology

TABLE OF CONTENTS

SUMMARY OF PERMIT REQUIRED DOCUMENTS AND SUBMITTALS	4
---	---

SPECIAL CONDITIONS

S1. EFFLUENT LIMITATIONS	5
A. Rearing Pond, Raceway, or Hatchery Flow-Through Water, Outfall #001	5
B. Rearing Pond or Raceway Drawdown for Fish Release Discharges, Outfall #001 ...	5
C. Rearing Vessel Disinfection Water, Outfall #001	5
D. Municipal Sewer System Discharges, Outfall #002	6
S2. TESTING SCHEDULE	6
A. Rearing Pond, Raceway or Hatchery Discharges, Outfall #001	6
B. Rearing Pond or Raceway Drawdown for Fish Release Discharges #001	7
C. Rearing Vessel Disinfection Water	7
D. Cleaning Wastewater to the Municipal Sewer System, Outfall #002	8
S3. MONITORING AND REPORTING REQUIREMENTS	8
A. Reporting Requirements	8
B. Operational Log	9
C. Records Retention	9
D. Recording of Results	10
E. Representative Sampling	10
F. Maintaining a Copy of this Permit	10
G. Noncompliance Notification	10
H. Test Procedures	11
I. Additional Monitoring by the Permittee	11
J. Flow Measurement	11
K. Laboratory Accreditation	11
S4. OPERATING REQUIREMENTS AND CONDITIONS	12
A. General Operating Requirements	12
B. Disease Control Chemicals	12
C. Production Changes	14
D. Duty to Mitigate	14
S5. SOLID WASTE MANAGEMENT	14
A. Solid Waste Handling	14
B. Leachate	14
C. Solid Waste Management Plan	15
S6. POLLUTION PREVENTION PLAN	15
S7. PROHIBITED DISCHARGES	17
A. General Prohibitions	17
B. Specific Prohibitions	17

GENERAL CONDITIONS

G1.	SIGNATORY REQUIREMENTS.....	19
G2.	RIGHT OF INSPECTION AND ENTRY	20
G3.	PERMIT ACTIONS.....	20
G4.	REPORTING PLANNED CHANGES.....	21
G5.	PLAN REVIEW REQUIRED	22
G6.	COMPLIANCE WITH OTHER LAWS AND STATUTES.....	22
G7.	DUTY TO REAPPLY	22
G8.	TRANSFER OF THIS PERMIT	22
G9.	REDUCED PRODUCTION FOR COMPLIANCE	23
G10.	REMOVED SUBSTANCES	23
G11.	DUTY TO PROVIDE INFORMATION.....	23
G12.	OTHER REQUIREMENTS OF 40 CFR.....	23
G13.	ADDITIONAL MONITORING	23
G14.	PAYMENT OF FEES.....	23
G15.	PENALTIES FOR VIOLATING PERMIT CONDITIONS	23
G16.	UPSET	24
G17.	PROPERTY RIGHTS.....	24
G18.	DUTY TO COMPLY	24
G19.	TOXIC POLLUTANTS.....	24
G20.	PENALTIES FOR TAMPERING	25
G21.	REPORTING ANTICIPATED NONCOMPLIANCE.....	25
G22.	REPORTING OTHER INFORMATION.....	25
APPENDIX I. DEFINITIONS.....		26

SUMMARY OF PERMIT REQUIRED DOCUMENTS AND SUBMITTALS

Permit Section	Requirement	Submission Frequency	Submitted to the Department?	Submittal Date
S3.A.1.	Monthly Discharge Monitoring Report	Report Quarterly	Yes	January 30, 2006
S3.A.2.	Annual Disease Control Chemical Use Report	Report Annually	Yes	January 30, 2006
S3.B.	Operational Log	On Going	No	Not submitted. Records to be made available to the Department upon request.
S5.C.	Solid Waste Management Plan	Once	Yes	By January 1, 2006
S4.C.	Production Changes; New Application	As needed	Yes	30 days in advance of any proposed production increases or changes in the discharge.
S6.	Pollution Prevention Plan	1/permit cycle. Update as necessary	No	Not Submitted. Develop plan within six months of permit coverage date and keep a copy at the facility. Plan to be available to the Department upon request.
G7.	Application for Permit Renewal	1/permit cycle	Yes	April 18, 2010

SPECIAL CONDITIONS

S1. EFFLUENT LIMITATIONS

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge hatchery, raceway, and rearing pond flow-through water at the permitted outfall to Whatcom Creek subject to meeting the following limitations:

A. Rearing Pond, Raceway, or Hatchery Flow-Through Water, Outfall #001

Parameter	Monthly Average	Maximum Daily
Settleable Solids (net ¹ ml/L)	0.1	--
Total Suspended Solids (net ¹ mg/L)	5.0	15.0

¹ Net values apply when influent and effluent solids are comparable (see Section S3.A). Net values will be accepted if both influent and effluent values are reported on the discharge monitoring form (DMR). If sampling occurs only once in a month, the monthly average limit is the limiting maximum value.

B. Rearing Pond or Raceway Drawdown for Fish Release Discharges, Outfall #001

Parameter	Instantaneous Maximum
Settleable Solids (ml/L)	1.0
Total Suspended Solids (mg/L)	100

Pond drawdown for reasons other than fish release shall be subject to the effluent limits in S2.B of this permit.

C. Rearing Vessel Disinfection Water, Outfall #001

Parameter	Instantaneous Maximum
Total Residual Chlorine (µg/L) ¹	19.0

¹ This limit applies to all active halogens used for disinfection (e.g. chlorine, bromine, iodine, and hypochlorite).

D. Municipal Sewer System Discharges, Outfall #002

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge hatchery, raceway, and pond cleaning wastewater at the permitted outfall to the City of Bellingham's Post Point Pollution Control Plant subject to meeting the following limitations:

Parameter	Monthly Average	Maximum Daily
Flow (gpd)	---	10,000

S2. **TESTING SCHEDULE**

A. Rearing Pond, Raceway or Hatchery Discharges, Outfall #001

The Permittee shall monitor the flow-through pond, raceway, and hatchery water according to the following schedule:

Parameter	Sample Point ^a	Sampling Frequency	Type of Samples ^d
Flow (MGD)	I	2/month	Daily total
Settleable Solids (net ml/L)	I&E	1/month	Grab ^b
Total Suspended Solids (net mg/L)	I&E	1/month	Composite ^c
Total Residual Chlorine	E	Daily when chlorinating	Grab

I = Hatchery or rearing facility influent. The collection and analysis of influent for settleable solids and TSS is optional if the Permittee chooses to represent the influent measurement as zero concentration. Influent and effluent solids must be characteristically similar to use net calculations.

E = Hatchery or rearing facility effluent prior to mixing with the receiving waters or any other flows.

^a Point of compliance shall be at the sampling locations, defined in the final engineering report.

^b For reporting net settleable solids, influent and effluent grab samples are to be taken on the same day. Effluent samples shall be collected immediately following fish feeding. The influent sample shall be considered to be zero if the sample was not collected and/or analyzed.

^c Total suspended solids (TSS) influent samples, if taken, shall be a flow proportioned grab sample of all influent water sources. TSS effluent samples shall be a combination of at least six representative grab samples collected at least 30

minutes apart throughout the normal working day. At least one sample shall be collected while the fish are being fed. Equal volumes of each of the six grab samples shall be combined and shall constitute the TSS composite sample. The same TSS composite sample may be used for determining compliance with the monthly average and the maximum daily limits. If necessary, additional composite sample(s) may be taken to calculate compliance with the monthly average limit.

- ^d All effluent grab samples shall be representative samples of the outfall which discharges rearing pond, hatchery, or raceway water to waters of the state.

B. Rearing Pond or Raceway Drawdown for Fish Release Discharges #001

Samples for rearing pond drawdown for fish release shall be collected regardless of pounds of fish on-hand.

Parameter	Sample Point ^a	Sampling Frequency	Type of Sample
Settleable Solids (ml/L)	E	1/drawdown ^a	Grab
Total Suspended Solids (mg/L)	E	1/drawdown ^a	Grab

E = Effluent samples shall be taken prior to mixing with any other hatchery or rearing flows or receiving waters.

- ^a Rearing pond drawdown for fish release sample(s) shall be collected during the last quarter of the volume of the rearing pond or raceway drawdown of the release event. If multiple raceways or rearing ponds are being released at the same time, grab samples from individual discharges may be combined into a flow proportional composite sample for analysis.

C. Rearing Vessel Disinfection Water

Water chlorinated for rearing vessel disinfection shall be neutralized and tested before it may be discharged to surface waters of the state. Total residual chlorine shall be less than 19 µg/L. Acceptable chlorine tests are:

1. Amperometric Titration, Method 408C; Standard Methods for the Examination of Water and Wastewater.
2. DPD Colorimetric field test kit based on Method 4500-CL G.
3. If chlorine treatment of all or a portion of the effluent is used as in the quarantine of eggs or fry and if a neutralization retention pond is not available, flow-through neutralization may be permitted if there is a constant bioassay of the effluent or if calculations show that the state water quality standards for chlorine would not be violated (WAC 173-201A-040).

D. Cleaning Wastewater to the Municipal Sewer System, Outfall #002

The Permittee shall monitor the pond, raceway, and hatchery cleaning wastewater according to the following schedule:

OUTFALL #002: Parameter	Sample Point^a	Sampling Frequency	Type of Sample
Flow (gpd)	EW	1/week	Daily Total
Biochemical Oxygen Demand (mg/L)	EW	Quarterly	Composite

EW = Effluent wastewater samples shall be taken prior to mixing with any other hatchery or rearing flows or receiving waters.

^a Sampling location is defined as the wastewater collection sump prior to discharge to the municipal system.

S3. MONITORING AND REPORTING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions.

A. Reporting Requirements

1. Results obtained from the testing required in Section S2 of this permit shall be summarized on a monthly discharge monitoring report (DMR) form supplied by or approved by the Department. Reports shall be submitted quarterly and are to be postmarked by the 30th day of the month following the reporting period. Quarterly reporting periods shall be January through March, April through June, July through September, and October through December. The report shall be sent to the Department of Ecology, Northwest Regional Office, 3190 - 160th Avenue SE, Bellevue, Washington, 98008-5452.
2. The Permittee shall also report the use of any disease control chemicals on a form supplied by or approved by the Department. The Disease Control Chemical Use Report shall be submitted annually unless the Department requests this information on a more frequent basis.

The reporting period for the Disease Control Chemical Use Report shall cover the amounts of chemicals used from January 1 through December 31 of each year. Each annual report submitted shall cover the amounts of chemicals used during the previous calendar year. Each annual report shall be postmarked by the 30th day after the reporting period (January 30th).

B. Operational Log

1. The Permittee shall keep records on all disease control chemicals used at the facility. All variances from the disease control chemical use procedures contained in the facility pollution prevention plan shall be noted. These records shall include:
 - a. Person responsible for the administration of the disease control chemical if different from the individual identified in the facility pollution prevention plan.
 - b. The date of application of the disease control chemical used. For disease chemicals which are used on a routine basis, the frequency of application may be recorded in place of each individual application date.
 - c. The trade name of the disease control chemical used.
 - d. The pond or raceway treatment concentration of the active ingredient, duration of treatment, and amount in gallons or pounds of the chemical.
 - e. The estimated concentration of the active ingredient in the hatchery or rearing facility effluent at the point of discharge to the receiving waters.
 - f. The reason for use and method of application.
2. The Permittee shall keep records on the average loading in pounds of fish and the total amount of food fed in pounds for each calendar month at the facility. The Permittee shall provide a copy of loading and feeding records to the Department upon request.
3. The information contained in the Operational Log will be used to complete the disease control chemical use reporting requirements as noted in Section S3.A.2 below.

C. Records Retention

The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

D. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

E. Representative Sampling

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored discharge, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality. Effluent samples shall be collected from the effluent stream prior to discharge into the receiving waters. Influent samples shall be taken at the point where the water enters the facility or settling pond.

F. Maintaining a Copy of This Permit

A copy of this permit must be kept at the facility and be made available upon request to Ecology inspectors

G. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within thirty (30) days after becoming aware of the violation.
2. Immediately notify the Department of the failure to comply.
3. Submit a detailed written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

H. Test Procedures

All sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136, or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department.

I. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit (S2) using test procedures specified by Condition S3.F of this permit, then the results of this monitoring shall be included in calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

J. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted aquaculture practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated (if applicable), and maintained to ensure that the accuracy of the measurements is consistent with the accepted industry standard for that type of device or method. Frequency of calibration shall be in conformance with manufacturer's recommendations (where applicable) or at a minimum frequency of at least one calibration per year. Calibration records should be maintained for a minimum of three (3) years.

K. Laboratory Accreditation

All monitoring data, except for flow, temperature, settleable solids, conductivity, pH, and internal process control parameters, shall be prepared by a laboratory registered or accredited under the provisions of, Accreditation of Environmental Laboratories, Chapter 173-50 WAC. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. Soils and hazardous waste data are exempted from this requirement pending accreditation of laboratories for analysis of these media by the Department.

S4. OPERATING REQUIREMENTS AND CONDITIONS

A. General Operating Requirements

1. Sand, silt, mud, solids, sludges, filter backwash, debris, or other pollutants deposited or removed in the course of treatment or control of water supply and wastewaters shall be disposed of in a manner so as to prevent such materials from entering waters of the state or the municipal sewer system.
2. Discharging untreated cleaning wastes (e.g., obtained from a vacuum or standpipe bottom drain system) to waters of the state is prohibited.
3. Sweeping or intentionally discharging accumulated solids from raceways or ponds to waters of the state without prior treatment is prohibited.
4. Practices, such as removing dam boards in raceways or ponds, which allow accumulated solids to be discharged to waters of the state are prohibited.
5. Rearing ponds and raceways shall be cleaned within one week prior to drawdown for fish release.
6. During all phases of operation of the facility, the Permittee shall implement all aspects of the pollution prevention plan required in Section S5.
7. A copy of this permit must be kept at the facility at all times and made available to all employees.
8. Fish mortalities, egg taking, or processing wastes shall be disposed of in a manner so as to prevent such materials from entering the waters of the state.
9. Permittees with fin-fish rearing facilities supplied with groundwater and discharging to surface receiving waters will, to the greatest extent feasible, conduct phased reductions in the amount of water discharged prior to complete shut down.
10. At all times the permitted discharges shall comply with applicable water quality standards.

B. Disease Control Chemicals

Unless approved by the Department, only disease control chemicals approved by the United States Food and Drug Administration (USFDA) or the United States Environmental Protection Agency (USEPA) may be used. USFDA approved Investigational New Animal Drugs (INADs) may be used at a facility, provided the conditions detailed in a facility's INAD permit application are met and the use is reported on the Disease Control Chemical Use form required in Section S3.A.2.

All disease control chemical use must be done in conformance with product label instructions or approved INAD protocols, or be administered by a licensed veterinarian. The disposal of all spent chemical drip solutions shall be documented in the Operational Log in accordance with the provisions of S3.F.

1. Non-emergency Extra-Label Drug and Chemical Use

The Department recognizes that there are many situations where the extra-label use of disease control chemicals could occur with little or no reasonable potential to impact water quality. As a result, the following use of disease control chemicals or drugs administered by, or under the supervision of a licensed veterinarian is approved by the Department of Ecology:

- a) Any drug or chemical administered through injection;
- b) Any drug or chemical administered by the use of a dip;
- c) Any drug or chemical administered as an additive to feed; and
- d) Any drugs classified by the USFDA as a low regulatory priority aquaculture drug (see attached list).

2. Emergency Drug and Chemical Use

The Department recognizes that an emergency epizootic disease may require the use of a drug or chemical; not approved by either the USFDA or USEPA, and not in conformance with Section III above, and that prior approval by the Department is not possible.

The use of disease control chemicals not otherwise approved by the Department are approved for the treatment of an emergency epizootic disease provided:

- a) The drug or disease control chemical is administered by or under the direct supervision of a licensed veterinarian;
- b) The drug or disease control chemical used and/or the method of its application could not have reasonably been anticipated;
- c) Notification is provided to the appropriate Department of Ecology Regional Office at least 24 hours prior to administering the drug or disease control chemical.

This clarification of disease control chemicals does not authorize the Permittee to violate or cause an exceedance of applicable water quality standards.

C. Production Changes

1. The Permittee shall submit a new application to the Department thirty (30) days in advance of any proposed production increases or changes in the nature of the discharge which substantially deviates from the information submitted in the permit application.
2. If the pounds of fish on hand for a facility drops below 20,000 pounds and the monthly pounds of food fed for a calendar month is less than 5,000 pounds, the Permittee shall continue submitting DMRs to the Department, but may, for those months, suspend the testing requirements contained in Section S2.A-B until the facility again exceeds the above biomass or feeding rate thresholds. Permittees shall note on the DMR comment and explanation section the reason(s) monitoring information was not submitted (i.e. monthly pounds of fish on hand below 20,000 pounds and less than 5,000 pounds of fish food was fed). Nothing in this section shall relieve the Permittee of the testing requirements of S2.B-D, Rearing Pond or Raceway Drawdown for Fish Release Discharges, Cleaning Wastewater to the Municipal Sewer System and Rearing Vessel Disinfection Water.

D. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

S5. SOLID WASTE MANAGEMENT

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the state surface water quality standards, Chapter 173-201A WAC, or the state ground water quality standards, Chapter 173-200 WAC.

C. Solid Waste Management Plan

The Permittee shall prepare a Solid Waste Management Plan and submit it to the Department no later than January 1, 2006. This plan shall include all solid wastes with the exception of those solid wastes regulated by Chapter 173-303 WAC (Dangerous Waste Regulations). The plan shall include how solid and biological wastes are collected, stored, and disposal methods. Among the solid wastes of concern are:

1. Sands, silts, and other debris collected from facility source waters.
2. Accumulated settled solids in rearing ponds and settling ponds.
3. Any fish mortalities under normal hatchery operation.
4. Fish mortalities due to a fish kill involving more than five percent of the fish in any raceway or pond, or due to kill spawning operations.
5. Blood from kill spawning or harvesting operations.
6. Floating debris removed from ponds and raceways.

A copy of the Solid Waste Management Plan shall be kept on site and followed by all hatchery personnel. This plan shall not be at variance with any approved local Solid Waste Management Plan. Any proposed revision or modification of the Solid Waste Handling Plan must be submitted to the Department of Ecology. The Permittee shall comply with the plan and any modifications thereof.

S6. POLLUTION PREVENTION PLAN

The Permittee shall review the Pollution Prevention Plan for how effective it has been in achieving the goals of minimizing the discharge of pollutants to waters of the state, within the first month after the date of permit issuance. This plan shall address operating, spill prevention, spill response, solid waste, and stormwater discharge practices which will prevent or minimize the release of pollutants from the facility to the waters of the state. The Permittee shall operate the facility in accordance with this plan along with any subsequent amendments or revisions.

The Permittee shall maintain a copy of the most current version of the Pollution Prevention Plan at the facility and assure that its operations staff for the facility are familiar with the plan and have been adequately trained in the specific procedures which it requires. The Permittee shall provide a copy of the plan to the Department upon request.

The Permittee shall address the following in the plan:

- A. How fish feeding will be conducted to minimize the discharge of unconsumed food.
- B. The frequency of pond and raceway cleaning and what procedures will be used to determine when cleaning is necessary to prevent accumulated solids from being discharged.
- C. How pond and raceway cleaning will be performed to reduce the disturbance and subsequent discharge of settled solids during cleaning events.
- D. How fish grading, harvesting, and other activities within ponds or raceways will be carried out to minimize the disturbance and subsequent discharge of accumulated solids.
- E. For facilities which release fish for enhancement purposes, how the discharge of accumulated solids will be prevented during the fish release.
- F. How disease control chemicals are used within the facility to ensure that the amounts and frequency of application are the minimum necessary for effective disease treatment and control. The concentration of disease control chemicals in the facility's discharge shall be minimized to the maximum extent practicable.
- G. Practices for the storage and, if necessary, disposal of disease control chemicals.
- H. How solid and biological wastes are collected, stored, and ultimately disposed. Among the solid wastes of concern are:
 - 1. Sands, silts, and other debris collected from facility source waters.
 - 2. Accumulated settled solids in rearing ponds and settling ponds.
 - 3. Any fish mortalities under normal hatchery operation.
 - 4. Fish mortalities due to a fish kill involving more than five percent of the fish in any raceway, or pond or due to kill spawning operations.
 - 5. Blood from kill spawning or harvesting operations.
- I. Procedures to prevent or respond to spills and unplanned discharges of oil and hazardous materials. These procedures shall address the following:
 - 1. A description of the reporting system which will be used to alert responsible facility management and appropriate legal authorities.

2. A description of facilities (including an overall facility site plan) which prevent, control, or treat spills and unplanned discharges and a compliance schedule to install any necessary facilities in accordance with the approved plan.
 3. A list of all hazardous materials used, processed, or stored at the facility which may be spilled directly or indirectly into state waters.
- J. Procedures to identify and prevent existing and potential sources of stormwater pollution.
- K. Facility monitoring plan, including a map identifying all sample locations.

S7. PROHIBITED DISCHARGES

The Permittee shall comply with these General and Specific Prohibitions:

A. General Prohibitions

The Permittee shall not introduce in the POTW pollutants(s) which cause:

1. Pass through, or
2. Interference

B. Specific Prohibitions

In addition, the following shall not be introduced into the POTW:

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 60° C (140° F) using the test methods specified in 40 CFR 261.21.
2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharge with pH lower than 5.0 or greater than 11.0, unless the works is specifically designed to accommodate such discharges.
3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.
4. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40° C (104° F) unless the approval authority, upon request of the POTW, approves alternative temperature limits.
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2, above, is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2, above, must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR Part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR Part 122.64(4)].
 - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 - 7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.

- B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
1. A material change in the condition of the waters of the state.
 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
 5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.
 6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.
 2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

G4. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, but no later than sixty (60) days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in:

- 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b);
- 2) a significant change in the nature or an increase in quantity of pollutants discharged; or
- 3) a significant change in the Permittee's sludge use or disposal practices.

Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least one hundred eighty (180) days prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least thirty (30) days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16. UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

- 1) an upset occurred and that the Permittee can identify the cause(s) of the upset;
- 2) the permitted facility was being properly operated at the time of the upset;
- 3) the Permittee submitted notice of the upset as required in Condition S3.G; and
- 4) the Permittee complied with any remedial measures required under S4.D of this permit.

In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two (2) years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G21. REPORTING ANTICIPATED NONCOMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Department.

G22. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

APPENDIX I.

DEFINITIONS

Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

Composite Sample shall mean a flow-proportioned mixture of not less than six discrete aliquots. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.

Department means Department of Ecology

Director means the Director of the Department of Ecology or his/her authorized representative.

40 CFR means Title 40 of the Code of Federal Regulations. The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

GPD = gallons per day

Grab sample means an individual discrete water sample.

Lined Pond means asphalt, concrete, plastic membrane or similarly lined ponds. Ponds lined with gravel or soil are considered unlined.

Maximum Daily shall be the highest allowable sample value from a daily discharge taken during a calendar month.

MGD = million gallons per day

mg/L = milligrams per liter ("Net mg/L" = mg/L in hatchery effluent minus mg/L in hatchery influent)

ml/L = milliliters per liter ("Net ml/L" = ml/L in hatchery effluent minus ml/L in hatchery influent)

Monthly Average shall be calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Production means net gain in weight of fish at the facility.

Rearing Ponds or Raceways means ponds, raceways, circular ponds, or any other method used to keep fin-fish captive for culture purposes at an upland fin-fish rearing facility.

DEFINITIONS
(continued)

Rearing Vessel means all rearing ponds, raceways, and fish hauling tanks.

Representative Sample means multiple outfalls with similar waste streams can be sampled and combined into one sample for one analysis. The sample volume from each outfall shall be apportioned according to the volume of flow at the time of sampling. These apportioned samples can then be combined into one representative sample for analysis.

Settleable Solids means those solids in surface waters or wastewaters which are measured volumetrically in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.

Severe Property Damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays or losses in production.

Surface Waters include lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the jurisdiction of the state of Washington. For the purposes of this permit surface waters do not include hatchery ponds, raceways, pollution abatement ponds, and wetlands constructed solely for wastewater treatment.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Waters of the State include those waters defined as "waters of the United States" in 40 CFR 122.2 within the geographic boundaries of Washington State and "waters of the state" as defined in Chapter RCW 90.48 RCW which include lakes, rivers, ponds, streams, waters, underground waters, salt waters, and all other surface water and water courses including wetlands within the jurisdiction of the state of Washington.

Water Quality Standards means the water quality standards for ground waters of the state of Washington (Chapter 173-200 WAC), the water quality standards for surface waters of the state of Washington (Chapter 173-201A WAC), and the sediment management standards of the state of Washington (Chapter 173-204 WAC).